

FOURTH DAY

(Monday, October 4, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called, and the following Senators were present:

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Davis	Small
Head	Spears
Hill	Sulak
Holbrook	Weinert
Isbell	Westerfeld
Lemens	Winfield
Moore	Woodruff
Newton	

Absent—Excused

Cotten	Shivers
Neal	Stone
Nelson	Van Zandt

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Roberts, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with.

Leaves of Absence Granted

The following Senators were granted leaves of absence for today on account of important business:

Senator Neal, on motion of Senator Brownlee.

Senator Stone, on motion of Senator Holbrook.

Senator Nelson, on motion of Senator Oneal.

Senator Cotten, on motion of Senator Beck.

Senator Shivers, on motion of Senator Beck.

Senator Van Zandt was granted leave of absence for today, on account of illness, on motion of Senator Aikin.

Senate Concurrent Resolution No. 2

Senator Oneal, by unanimous consent, offered the following resolution:

Whereas on account of the serious and protracted illness of his son, it will probably be necessary for the Honorable Allan D. Montgomery, Judge of the 30th Judicial District, to be absent from the State for a considerable time during the next six months in order to care for and see that his son is properly treated; therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the Honorable Allan D. Montgomery, Judge of the 30th Judicial District, be and he is hereby granted a leave of absence from the State for a period of sixty days during the months of October, November, and December, 1937, and January, February, and March, 1938.

The resolution was read, and by unanimous consent, it was considered at this time, and was adopted.

Petitions and Memorials

The President laid before the Senate, and had read, a report of the Texas Industrial Commission on labor conditions in the City of Dallas.

The President laid before the Senate, and had read, a resolution of the Commissioners' Court of Wichita County, relative to old age assistance.

The President laid before the Senate, and had read, a resolution of Crosby County teachers, relative to length of school terms.

The President laid before the Senate, and had read, a resolution of the Retail Merchants Association of District 3, opposing the levy of additional taxes.

Senator Holbrook submitted several communications in the nature of petitions recommending economy in administration of State government, and protesting further tax levies, which were read to the Senate.

Message From the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, October 4, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House

to inform the Senate that the House has passed the following resolution:

H. C. R. No. 14, Commending the President of the American Federation of Labor upon his stand in advocating parity prices for agricultural products.

The House has concurred in Senate amendments to House Bill No. 1, by a vote of 122 Yeas, 1 Noes.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Concurrent Resolution No. 14

H. C. R. No. 14, received from the House today, was laid before the Senate, read and referred to the Committee on Agriculture.

Bill and Resolutions Signed

The President signed in the presence of the Senate, after giving due notice thereof, the following bill and resolutions:

H. B. No. 1, "An Act making an appropriation of the sum of Fifty Thousand (\$50,000) Dollars or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay contingent expenses, and to pay the mileage and per diem of Members and per diem of officers and employees of the Second Called Session of the Forty-fifth Legislature, and to pay any unpaid bills or accounts of the First Called Session of the Forty-fifth Legislature, also there is hereby re-appropriated any unexpended balances at the credit of the Contingent Expense Fund of the House of Representatives, same being No. W-1377 account, and be used for the same purposes as is above set out, as may be found necessary, and declaring an emergency."

H. C. R. No. 11, Requesting the Department of Agriculture of the United States to place cotton classers at all necessary points in the State of Texas.

H. C. R. No. 12, Authorizing and instructing the Board of Control to extend an invitation to the Confederate Veterans who attend the convention of the Daughters of the Confederacy to be the guests of the State of Texas at the Confederate Home in Austin.

Senate Resolution No. 7

Senator Burns offered the following resolution:

Whereas, After the discovery of oil in Polk County, vacancy hunters rushed there and began surveying on and across all land in proximity to the discovery well; and

Whereas, A league of land titled to Andreas Morales by the Mexican Government on August 30, 1835, was thought to be the center of the pool of oil in the field and was the best prospect for recovery by vacancy hunters because time had effaced much of the evidence of location, yet, the Land Office Map of Polk County had, for 95 years given it a definite location as now claimed by the record owners of said league; and

Whereas, Applications for drilling permits were filed with the Land Office by various and sundry people claiming the land to be vacant; and

Whereas, The Land Office, without any independent investigation, but merely acting upon the ex parte statements of interested parties (vacancy hunters), directed the Attorney General to file suit in the District Court of Travis County against some 200 citizens, most of whom reside in Polk County, 225 miles from Austin; and

Whereas, Said suit was ordered filed without any evidence of vacancy in addition to maps and records in the Land Office a hundred years old (except of course, the ex parte statements by vacancy hunters); and

Whereas, Many citizens involved in the suit are neither able to employ counsel to represent them nor to pay their way to Austin to testify in their own behalf; and

Whereas, Under the statute, suit might have been filed in Polk County instead of Travis County, and (by a proper standard of good morals, should have been filed in Polk County, since the Land Office and the Attorney General had no evidence warranting the State's suit that had not been accessible to them for a hundred years, (and it was apparent that they were prompted in the matter by willingness to serve the vacancy hunters who roam over the State as title disturbers every time a new oil field is discovered;) therefore, be it

Resolved by the Senate of Texas, That it heartily disapproves of any

law that lends encouragement to land title disturbers or any law that will authorize the suing of a citizen for land he claims and thinks he owns in any other county than where the land is located. It also heartily disapproves of the State's forming a combination with title disturbers and recommend that if there is any vacant unappropriated public domain, not disclosed by the Land Office map, the State make its own independent investigation and when discovered and recovered, it be sold to the highest bidder instead of putting a premium on the skullduggery of professional vacancy hunters as is now the practice.

BURNS,
HOLBROOK.

The resolution was read, and was transmitted to the President's table.

Senate Resolution No. 8

Senator Roberts offered the following resolution:

Whereas, The Legislature has been convened in extraordinary session by the Governor for the purpose of raising additional revenues to provide funds with which to finance the social security program, and to liquidate the deficit in the General Revenue Fund; and

Whereas, By the Proclamation of the Governor, the Legislature has been limited solely to the consideration of raising such additional revenues, which precludes the Legislature from giving attention to economies and the prevention of waste and extravagances in the administration of the affairs of the State government; and

Whereas, It is believed by some that the appropriations for the current biennium are excessive, and that, if the subject of appropriations is submitted to the Legislature, many savings can be effected and much waste and extravagance can be prevented to the end that a large part, if not all, of the State's financial problems may be solved without levying additional tax burdens on an already overtaxed people; and

Whereas, We believe it is both prudent and advisable that the Legislature should have an opportunity to effect economies and stop waste and extravagances before facing the prob-

lem of raising additional revenues; now, therefore, be it

Resolved by the Senate of the State of Texas, assembled in the Second Called Session of the Forty-fifth Legislature, That the Governor submit to the Legislature immediately the subject of revising appropriation bills for the purpose of reducing expenditures therein authorized; the curtailment of expenses and the elimination of waste and extravagances in the affairs of our State government, be it further

Resolved, That the subject of economies be first submitted for legislative consideration before we are required to pass upon the question of need for additional taxes, be it further

Resolved, That a copy of this resolution officially signed and sealed be delivered to the Honorable James V. Allred, Governor of the State of Texas.

ROBERTS,
RAWLINGS,
DAVIS,
BECK.

The resolution was read, and was transmitted to the President's table.

Senate Resolution No. 7

The President laid before the Senate, for consideration at this time, Senate Resolution No. 7, relating to venue of land title suits to which the State is a party.

(Senator Rawlings in the Chair.)

Senator Weinert offered the following amendment to the resolution:

Amend Senate Resolution No. 7 by striking out the words "by a proper standard of good morals" in the last paragraph of Page 1.

The amendment was adopted.

Senator Weinert offered the following amendment to the resolution:

Amend Senate Resolution No. 7 by striking out the following words: "And it was apparent that they were prompted in the matter by willingness to serve the vacancy hunters who roam over the State as title disturbers every time a new oil field is discovered," in the last "Whereas" paragraph.

Senator Burns moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—4

Burns	Holbrook
Hill	Westerfeld

Nays—18

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Collie	Roberts
Davis	Small
Isbell	Sulak
Lemens	Weinert
Moore	Winfield
Newton	Woodruff

Absent—Excused

Cotten	Shivers
Head	Spears
Neal	Stone
Nelson	Van Zandt
Redditt	

The amendment was adopted.

Senator Moore offered the following amendment to the resolution:

Amend the resolution by striking out the last two paragraphs of the resolution and inserting in lieu thereof the following:

"Therefore be it Resolved by the Senate of Texas, That the venue and other statutes should be amended so as to provide for the filing of such suits in the county where the land in controversy is located; and in cases where land is recovered by the State that it be sold or leased to the highest bidder."

Senator Burns moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—16

Aikin	Roberts
Beck	Small
Brownlee	Spears
Burns	Sulak
Davis	Weinert
Hill	Westerfeld
Holbrook	Winfield
Lemens	Woodruff

Nays—5

Collie	Newton
Isbell	Rawlings
Moore	

Present—Not Voting

Oneal

Pace

Absent—Excused

Cotten	Redditt
Head	Shivers
Neal	Stone
Nelson	Van Zandt

Question—Shall the resolution be adopted?

Senate Bill No. 1 on First Reading

By unanimous consent, the following bill was introduced, read first time and referred to the Committee on State Affairs:

By Senator Moore:

S. B. No. 1, A bill to be entitled "An Act placing in effect Senate Joint Resolution 16 amending Article III, Section 52, of the Constitution by adding Section 52d, passed at an election held throughout the State on August 23, 1937, by providing the form and manner of initiating road plans for Harris County upon petition and by resolution of the Commissioners' Court thereof; authorizing the establishment of and the creation of road districts upon petition; prescribing in detail the procedure for such petitions, resolutions, hearings, reports of the engineer and auditor, and elections and notices thereof for the adoption of said proposed plans and the fixing of the tax rates necessary to defray the cost of construction; providing for the canvass of the returns of said elections, declaration of the results thereof, and certification of the tax rate; providing that all laws relating to the assessment and collection of State and county, current and delinquent, be made applicable to Harris County for such tax and be made applicable to such road districts; providing for a discontinuance of said plans after one year upon petition, if adopted by election; providing for the qualification of the voters at said elections; defining the authority of Harris County with respect to said road plans and road districts; providing the procedure with respect to the receipt and disbursement of funds for Harris County and said road districts, the manner of entering into contracts, and the restrictions surrounding the award of contracts and the expenditure of funds; granting the right of eminent domain to road districts to obtain

right of ways; providing that no officer shall have any interest in contracts awarded to be paid from said funds of the county or road districts and providing penalties for violation of such provision; limiting the tax rate which may be voted for county purposes, road district purposes, and for both purposes; defining the duties of officials; providing in detail the exact procedure in connection with the entire subject matter of the Act; providing that existing State laws, general and special, and the Harris County Special Road Law shall be made applicable, so far as consistent, to the subject matter of this Act; restricting the use of tax moneys so raised to the construction of lasting and permanent roads and bridges and forbidding the diversion of said funds; outlining generally the methods and procedure to be used with respect to all matters relating to initiating, hearings, notices, and elections in the establishment of road plans in Harris County and in any road district, and matters incidental thereto; providing that if any provision of the Act shall be held invalid or unconstitutional, the other provisions shall not be affected; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

Report of Standing Committee

Senator Pace, by unanimous consent, submitted the following report:

Committee Room,
Austin, Texas,
October 4, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 1, a bill to be entitled "An Act placing in effect Senate Joint Resolution 16 amending Article III, Section 52 of the Constitution by adding Section 52d, passed at an election held throughout the State on August 23, 1937, by providing the form and manner of initiating road plans for Harris County upon petition and by resolution of the Commissioners Court thereof; etc., and declaring an emergency,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recom-

mendation that it do pass and be not printed.

PACE, Chairman.

Senate Bill No. 1 on Second Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 1 be placed on its second reading and passage to engrossment.

The motion prevailed by the following vote:

Yeas—24

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Roberts
Davis	Small
Head	Spears
Hill	Sulak
Holbrook	Weinert
Isbell	Westerfeld
Lemens	Winfield
Moore	Woodruff

Absent—Excused

Cotten	Shivers
Neal	Stone
Nelson	Van Zandt
Redditt	

The Presiding Officer laid the bill before the Senate.

On motion of Senator Moore, and by unanimous consent, Senate Rules Nos. 31a and 48 were suspended severally, to permit consideration of the bill at this time.

The bill was read second time and was passed to engrossment.

Senate Bill No. 1 on Third Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 1 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Holbrook
Beck	Isbell
Brownlee	Lemens
Burns	Moore
Collie	Newton
Davis	Oneal
Head	Pace
Hill	Rawlings

Roberts	Weinert
Small	Westerfeld
Spears	Winfield
Sulak	Woodruff

Absent—Excused

Cotten	Shivers
Neal	Stone
Nelson	Van Zandt
Redditt	

The Presiding Officer then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—23

Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Roberts
Davis	Small
Head	Spears
Hill	Sulak
Holbrook	Weinert
Isbell	Westerfeld
Lemens	Winfield
Moore	Woodruff
Newton	

Nays—1

Aikin

Absent—Excused

Cotten	Shivers
Neal	Stone
Nelson	Van Zandt
Redditt	

Adjournment

Senator Brownlee moved that the Senate adjourn until 11:15 o'clock a. m. next Wednesday.

Yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—14

Beck	Pace
Brownlee	Rawlings
Collie	Roberts
Davis	Small
Isbell	Spears
Moore	Weinert
Oneal	Winfield

Nays—7

Aikin	Sulak
Burns	Westerfeld
Hill	Woodruff
Holbrook	

Absent—Excused

Cotten	Newton
Head	Redditt
Lemens	Shivers
Neal	Stone
Nelson	Van Zandt

The Senate, accordingly, at 12:35 o'clock p. m., adjourned until 11:15 o'clock a. m. next Wednesday, October 6, 1937.

FIFTH DAY

(Wednesday, October 6, 1937)

The Senate met at 11:15 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called, and the following Senators were present:

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Small
Davis	Spears
Head	Stone
Hill	Sulak
Holbrook	Van Zandt
Isbell	Weinert
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff
Newton	

Absent—Excused

Nelson	Shivers
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A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Monday, October 4, 1937, was dispensed with.

Leaves of Absence Granted

Senator Shivers was granted leave of absence for today on account of important business, on motion of Senator Pace.

Senator Nelson was granted leave of absence on account of illness, on motion of Senator Oneal.